

Exhibit 2

CRAIG COSTANZO Non-Confidential
KEITH FISCHER v GEICOJanuary 10, 2025
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		Page 1		Page 3
1	IN THE UNITED STATES DISTRICT COURT		1	I N D E X
2	FOR THE EASTERN DISTRICT OF NEW YORK		2	CRAIG COSTANZO EXAMINATION
3	KEITH FISCHER, MICHAEL)		3	BY MR. TSONIS 5
4	O'SULLIVAN, JOHN MOESER, LOUIS)		4	
5	PIA, THOMAS BARDET, CONSTANCE)		5	E X H I B I T S
6	MANGAN, and CHARISE JONES,)		6	COSTANZO DESCRIPTION PAGE
7	individually and on behalf of all)	No. 2:23-cv-2848	7	Exhibit 1 Workday profile for Craig Costanzo, G004533-4588 separate transcript
8	others similarly situated,)		8	(confidential)
9	Plaintiffs,)		9	
10	-v-		10	Exhibit 2 Geico HR Associate Handbook, Compensation Contents, G000028-43 147
11	GOVERNMENT EMPLOYEES INSURANCE)		11	
12	COMPANY d/b/a GEICO,)		12	Exhibit 3 2017 Geico Performance Guide & Appraisal for Craig Costanzo, G006638-6642 166
13	Defendant.)		13	
14	Friday, January 10, 2025		14	Exhibit 4 2019 Geico Performance Appraisal for Craig Costanzo, G006591-6603 183
15	Oral videoconference deposition of CRAIG		15	
16	COSTANZO, held pursuant to Notice via Zoom with all		16	Exhibit 5 2020 Geico Performance Appraisal for Craig Costanzo, G006581-6590 193
17	parties participating remotely, commencing at		17	
18	10:00 a.m. Central Time, on the above date, before		18	Exhibit 6 MAP 2 2021 (second half of year) Performance Appraisal, Craig Costanzo, G006623-6626 206
19	Andrew R. Pitts, Certified Shorthand Reporter.		19	
20			20	Exhibit 7 MAP 2 2022 (second half of year) Performance Appraisal, Craig Costanzo, G006621-6622 223
21			21	
22			22	Exhibit 8 Answers to Interrogatories 229
23			23	Exhibit 9 Geico Human Resources Associate Handbook, G000191-235 250
24	Andrew R. Pitts, CSR, RPR		24	
25	License No.: 084-4575		25	
	Esquire Deposition Solutions			
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1	REMOTE APPEARANCES:		1	(Whereupon, the following proceedings were
2	On behalf of the Plaintiffs:		2	taken via videoconference.)
3	OUTTEN & GOLDEN, LLP		3	THE VIDEOGRAPHER: Good morning. I am now
4	685 Third Avenue - 25th Floor		4	started the recording, and we are now on the record.
5	New York, New York 10017		5	The time is 10:01 a.m. Central on Friday,
6	(347) 390-2121		6	January 10th, 2025. This begins the videoconference
7	Email: zdsouza@outtengolden.com		7	deposition of Craig Costanzo taken in the matter of
8	sjean@outtengolden.com		8	Keith Fischer, et al., versus Government Employees
9	BY: ZARKA SHABIR DSOUZA, ESQUIRE		9	Insurance Company doing business as Geico filed in the
10	SABINE JEAN, ESQUIRE		10	United States District Court for the Eastern District
11	On behalf of the Defendant GEICO:		11	of New York, Case No. 23-cv-2848.
12	DUANE MORRIS, LLP		12	My name is Megan Sczygelski. I'm your
13	190 South LaSalle Street - Suite 3700		13	remote videographer today. The court reporter is
14	Chicago, Illinois 60603-3433		14	Andrew Pitts. We are representing Esquire Deposition
15	(312) 499-6779		15	Solutions.
16	Email: gtsonis@duanemorris.com		16	Will everyone present please identify
17	BY: GREGORY TSONIS, ESQUIRE		17	themselves and state who you represent, after which
18	ALSO PRESENT:		18	the court reporter will swear in the witness.
19	MEGAN SCZYGELSKI, Legal Videographer.		19	MS. DSOUZA: Hi. This is Zarka DSouza from
20			20	the law firm Outten & Golden on behalf of the
21			21	Plaintiffs.
22			22	MR. TSONIS: Gregory Tsonis on behalf of
23			23	Defendant Geico, from Duane Morris LLP.
24			24	MS. JEAN: Sabine Jean from Outten & Golden
25			25	on behalf of the Plaintiffs.

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1 Q. Okay. Any other types of documents that 2 you reviewed that you recall? 3 A. I believe a brief look at the employee 4 handbook. 5 Q. The Geico associate handbook? 6 A. Yes. 7 Q. All right. Which portion of the Geico 8 associate handbook do you recall reviewing? 9 A. With regards to HR and report -- making 10 certain reports. 11 Q. How to report things to human resources? 12 A. Yes. 13 Q. Okay. Any other portions of the handbook? 14 A. I don't remember any other. 15 Q. All right. Any other types of documents 16 that you recall reviewing? 17 A. I don't remember any others. 18 Q. Okay. As part of this lawsuit, did you 19 ever produce documents that you have to your lawyers? 20 A. Yes, I did. 21 Q. Okay. And what types of documents did you 22 produce? 23 A. Performance appraisals, some memos, 24 I believe the handbooks. I just packaged up 25 everything I had.	Page 17 1 just -- everything changed. 2 Q. Okay. And, you know, COVID I understand in 3 a lot of ways is sort of a delineating line. So 4 let's -- let's talk about that. 5 I guess, pre-COVID, I think you said you 6 started in 2014, right? 7 A. Correct. 8 Q. And now I think you said, you know, two or 9 three or four years after you started is when -- 10 I don't want to put words in your mouth, but when, you 11 know, you started to experience some of this increase 12 in case load? 13 A. Correct. 14 Q. Okay. And I guess from that time period to 15 COVID, what is, I guess, the -- the essence of -- of 16 your claims here in this lawsuit? 17 A. Well, when I was hired, they explained what 18 the case load would be and that they had based it on 19 studies, how much work could reasonably be done, and 20 then they just started increasing it seemed like every 21 year additional case load with no explanation on how 22 we were supposed to get it accomplished. 23 Q. Okay. When you say they, who are you 24 referring to? 25 A. I would say SIU management.
Page 18 1 Q. Got it. And were those documents stored, 2 like, in a file cabinet or a file folder or somewhere 3 specific in your home? 4 A. My desk basically. 5 Q. Got it. So you have like a Geico file on 6 your desk? 7 A. It -- basically my desk is my Geico office. 8 Q. Fair enough. Okay. 9 A. It was -- it was drawers on my desk and -- 10 Q. Okay. Aside from the documents that you 11 have provided to your lawyers, do you have other 12 documents that are relevant to this case? 13 A. No, I don't believe I do. 14 Q. Okay. What do you understand this case to 15 be about? 16 A. It's regarding a period of time when Geico 17 was requiring us to do excessive amounts of work that 18 couldn't possibly be done during the typical 19 eight-hour day and that it was forcing us to have to 20 work additional hours. 21 Q. What period of time was that? 22 A. I would say there's occasionally some, you 23 know, starting probably, I don't know, two or three or 24 four years once I started working here, but my primary 25 concern was -- started during the COVID period when it	Page 20 1 Q. Okay. So -- 2 A. Because they set the goal packages. 3 Q. When you began working for Geico, were you 4 located out of -- well, strike that. 5 When you began working for Geico, what was 6 your job title? 7 A. Senior field investigator, I believe, or 8 senior security investigator. 9 Q. So as a -- does the title, job title 10 outside security investigator sound familiar? 11 A. Yes. 12 Q. All right. And is it your understanding 13 that an outside position within the context that we're 14 talking about refers to a field position? 15 A. Correct. 16 Q. All right. And so you worked out in the 17 field, and you didn't on a day-to-day basis have to go 18 into the office to do your work, right. 19 A. That's correct. 20 Q. All right. But in Geico's system, you were 21 assigned to a specific office, right? 22 A. Yes. 23 Q. Were you assigned out of the what was then 24 the Woodbury office? 25 A. That was my understanding, yes.

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1 Q. Okay. Normally on a day-to-day basis, 2 though, you would work either from your home or out in 3 the field or some combination of the two, right? 4 A. That's correct. 5 Q. Okay. As an out-- when you were an 6 outside investigator during this time period when you 7 started, who was the SIU manager of the Woodbury 8 office? 9 A. I can't remember his name. 10 Q. Was it Mike DeGrocco? 11 A. Yes, it was. 12 Q. Okay. And do you recall when Mike DeGrocco 13 stopped being the SIU manager for the Woodbury office? 14 A. No, I -- I couldn't. I don't remember the 15 dates. 16 Q. All right. That's okay. Again, we'll be 17 talking about things that happened several years ago, 18 so understandable that you don't recall exact dates, 19 but to the extent you can give me your best 20 recollection, that's all I'm asking for. 21 After Mike DeGrocco, who took over as the 22 SIU manager of the Woodbury office? 23 A. Bill Newport. 24 Q. Okay. How long did Bill Newport serve as 25 SIU manager of the Woodbury office?	1 to the sort of pre-COVID time period that we're 2 talking about here, throughout that time period, you 3 had two SIU managers: We said Bill Newport or prior 4 to Mike DeGrocco? 5 A. That's correct. 6 Q. All right. And you had one supervisor, 7 Chet Janik? 8 A. That's correct. 9 Q. All right. So when you referenced earlier 10 that they told you certain things, who were you 11 referring to? 12 A. Generally it would be either Chet Janik or 13 mostly Bill Newport was during the time frame that the 14 major changes took place. 15 Q. Okay. And, again, we're talking about the 16 pre-COVID time period here, so prior to call it 17 February or March of 2020, right? 18 A. Okay. And that would -- I mean, it was 19 mostly through Chet Janik and the establishment of the 20 different goal packages. 21 Q. So on a yearly basis in your job, you were 22 assessed on various criteria; is that right? 23 A. Correct. 24 Q. All right. And in the time period that 25 we're talking about here generally, do you recall what
1 A. I think I answered to him until they put me 2 under Renee. 3 Q. Do you know Renee's last name? 4 A. It's my current manager, and I'm drawing a 5 blank on his last name. 6 Q. That's okay. And we'll -- this isn't a 7 memory test, but there are some documents that I think 8 will probably refresh your recollection -- 9 A. Yes. 10 Q. -- help you. So I'm not -- not trying to 11 get you to just wrack your brain for no reason. I'm 12 just trying to get a certainly general sense of -- of 13 the timeline. 14 When you started in 2014, do you recall who 15 your supervisor was? 16 A. Chet Janik. 17 Q. All right. And did Chet, Chet Janik, 18 continue being your supervisor until he retired? 19 A. That's correct. 20 Q. Do you recall approximately when Chet 21 retired? 22 A. I don't want to guess. I don't remember. 23 I'm -- '22, '23 something. I don't -- I'm not -- 24 I don't remember for sure. 25 Q. Okay. So in any event, I mean, going back	1 those criteria were? 2 A. Well, it changed, but it was bioquality, 3 productivity, case life at some point. I feel like 4 I'm missing one. Sorry. 5 Q. No, that's okay. So when you referenced 6 earlier that they changed, I guess do you mean that in 7 this time period -- well, strike that. 8 So recognizing you started in 2014, do you 9 have an understanding as to, I guess, you know, how 10 far back the claims that you're making in this lawsuit 11 go? 12 A. I believe it goes back into 2016. 13 Q. Okay. So while I might ask you about 2014 14 or 2015 at some point, typically we're talking about, 15 I guess, you know, the start of the claims that you're 16 asserting in this lawsuit right now until the sort of 17 pre-COVID time period, right? 18 A. Okay. 19 Q. So in that time period, is it accurate to 20 say that the categories on which you were rated, which 21 I think you said were case life, quality, and 22 productivity, didn't change, but that the metrics 23 against which you might have been measured in any 24 given year did change? 25 A. Yes.
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1 A. I think so. 2 Q. Okay. Your supervisor, I guess, doesn't 3 know on a day-to-day basis what hours you're working, 4 right? 5 A. Not unless we happen to -- I mean, that's 6 probably correct. Unless we talked about it, there 7 was a -- we were able to start at different times for 8 a period and then they kind of set it, set our start 9 times. 10 Q. Okay. As a field investigator, though, you 11 would have the ability generally to flex your schedule 12 as needed? 13 MS. DSOUZA: Objection. 14 You can answer, Craig. 15 BY THE WITNESS: 16 A. To some extent. See, it's -- it kind of 17 got difficult because, as they started implementing 18 these TIP times, they started -- you know, they kind 19 of locked you into a schedule because they were 20 sending you cases that you had to make TIPs relatively 21 quickly after you got the case. So you were kind of 22 locked into a -- the schedule, not necessarily set, 23 but you had to kind of be there during the day time to 24 manage those TIPs. 25	Page 49 1 A. I never specifically told him that I was 2 not logging time into the system, no, I didn't say 3 that, I don't believe. 4 Q. Okay. Similarly, you never told any SIU 5 manager that you were working but not entering certain 6 periods of time working into the company's timekeeping 7 system? 8 A. I believe I made it clear that there was no 9 way to do this unless I put extra time in. I didn't 10 specifically say I'm not putting it into the 11 timekeeping, but I believe I made it clear to them was 12 that the only way there was working was because we 13 were putting in extra time. 14 Q. Who did you make that report to? 15 A. Bill Newport. 16 Q. When did you make that -- when did you have 17 that conversation? 18 A. I mean, I couldn't tell you specifically 19 when. I just felt that, you know, the message was 20 getting crossed that this isn't working. You're 21 giving us way too many cases to have the expectation 22 that we're able to do this in eight hours, and the 23 only way we can get this done is to put extra time in. 24 Q. Right, but none of your cases -- well, 25 strike that.
1 BY MR. TSONIS: 2 Q. What was the time period within which you 3 had to do those activities, the TIP activities? 4 A. Well, some of it -- and, again, it changed 5 so much, but at one point, it was like you're supposed 6 to be doing something with it, like, in a couple of 7 hours. It -- it got very confusing because it was 8 within a couple hours, but then they'd say it's an 9 overall add all the numbers together kind of thing, 10 and then they'd average it out. So it was kind of 11 confusing. 12 Q. Okay. And we'll talk more about that. 13 Did you ever notify your supervisor that 14 you were working overtime but not documenting it in 15 Geico's timekeeping system? 16 A. I wouldn't say that I said it exactly like 17 that. I -- I believe it was more of an "I have to 18 stay, I have to work past the times to try to meet 19 these requirements" and that I felt it was not 20 possible to meet these requirements once they started 21 giving us the huge volume of cases. There was no way 22 to do it within the eight-hour day. 23 Q. Okay. But you never specifically told your 24 supervisor that you were working time periods but not 25 logging them in Geico's timekeeping system?	Page 50 Page 51 1 In terms of investigative activities, 2 there's only a very small number of things that have 3 to happen, you know, shortly after a case is assigned, 4 right? 5 MS. DSOUZA: Objection. 6 You can answer. 7 BY THE WITNESS: 8 A. It's -- well, there's -- there's time 9 quickly, and then there's number of days to get 10 certain things entered. And, again, back at that -- 11 during some of that same time frame in the COVID area 12 there, this was, you know, activities, and they were 13 grading us on activities. 14 And we had discussions, "Well, then don't 15 do -- if you can't get it done, then don't do all the 16 activities on every case." And we were saying -- I 17 said to them, "Well, if I don't do the activities, I 18 get downgraded." So I'm doing activities that don't 19 need to be done, taking up time that I don't have, to 20 try to meet the requirements to get the -- you know, 21 so I don't get downgraded. 22 BY MR. TSONIS: 23 Q. Right? 24 A. So, I mean -- 25 Q. But the activities were measured on a

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1 A. Yes, it was.	1 A. Yes.	
2 Q. And those policies are the policies that	2 Q. 2019, a 4.4?	
3 are contained in the associate handbook?	3 A. Yes.	
4 A. Yes, it is.	4 Q. And 2020, a 5?	
5 Q. All right. Now, I'm happy to show it to	5 A. Yes.	
6 you if you'd like, but would you agree that each year	6 Q. And 2021 is when I believe Geico instituted	
7 you were required to acknowledge and agree to follow	7 a semi-annual review process, right?	
8 Geico's policies, that you did so?	8 A. I believe so.	
9 A. I agree with that, yes.	9 Q. Okay. So for the first half of 2021, you	
10 Q. Okay. And that includes the overtime	10 received a 4.8?	
11 eligibility policy that we just reviewed?	11 A. Yes.	
12 A. Yes.	12 Q. And in the second half of 2021, a 4.7?	
13 Q. Okay. Just one moment. I'll show you	13 A. Yes.	
14 Exhibit 1 again, just to look at another page that	14 Q. And then for 2022, it looks like there was	
15 I think will help guide us in our next discussion	15 some sort of interim review for the first three months	
16 here. This is going back to Exhibit 1. This is the	16 of the year?	
17 page that's ending in 4585.	17 A. Yeah, I -- I don't remember --	
18 Do you see here there's a Performance	18 Q. Do you recall what that was?	
19 Review section, and it's still your Workday profile?	19 A. Nope, I don't remember.	
20 A. Yes.	20 Q. Okay. Oh, in that review for the first	
21 Q. All right. And, now, this lists	21 three months of 2022, you received a 4.8, right?	
22 essentially each review year starting from the	22 A. Yes.	
23 beginning of your employment with Geico to essentially	23 Q. And in 2022, now going to the standard	
24 the most recent, not including the 2024 calendar year	24 semi-annual review process, for the first half, you	
25 for which there -- the performance review process	25 received a 4.6?	
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1 hasn't been completed, it lists every other year that	1 A. Yes.	
2 you've worked for Geico here, right?	2 Q. And then the second half of 2022, you	
3 A. Yes.	3 received a rating of 5?	
4 Q. All right. And starting in 2014, it shows	4 A. Yes.	
5 that for that initial, your first year with Geico,	5 Q. And then in 2023, it shows you as a 4.3; do	
6 which -- when did we say you started with Geico, when	6 you see that?	
7 in 2014?	7 A. Yes. Yep.	
8 A. August 4th.	8 Q. All right. Well, for the first half,	
9 Q. Okay. So even though this shows a	9 excuse me, of 2023.	
10 January 12th of 2014, you -- you actually only worked	10 And then there's a total year 2023 rating	
11 for Geico for, like, four months there, right?	11 it shows?	
12 A. Correct.	12 A. Yes.	
13 Q. In the 2014 calendar year?	13 Q. Do you see that?	
14 A. Correct.	14 Is it your understanding you received a	
15 Q. All right. And in that year, you received	15 first half of the year 2023 rating and then one that	
16 a 3.8 manager rating, right?	16 encompassed the entire year? I guess I'm just trying	
17 A. Yes.	17 to figure out if this is --	
18 Q. Then moving forwards very quickly here,	18 A. I -- I -- I don't know. I've lost track on	
19 2015, it was a 4.6?	19 how we're even doing business anymore.	
20 A. Yes.	20 MS. DSOUZA: And I have to -- I'd just like	
21 Q. 2016, a 4.5?	21 to remind the witness to let counsel complete his	
22 A. Yes.	22 question and before -- before you answer, just so we	
23 Q. In 2017, you got a 4.8?	23 have a clean record.	
24 A. Yes.	24 MR. TSONIS: Thank you. And I'm sure the	
25 Q. In 2018, you received a 5?	25 court reporter thanks you for that too. Sorry.	

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1 BY MR. TSONIS:	1 Q. Just approximately, I guess, when did you
2 Q. So, Mr. Costanzo, I guess from 2014	2 begin training other investigators? Regardless of
3 through, you know, midway through 2023, every rating	3 formal job title, I just mean like when did you start
4 that you received was essentially, you know, at least	4 training people?
5 some point above a 4 to a 5 even, right?	5 A. I -- I don't know the dates. It was
6 A. Yes.	6 before -- like I said, it was before I became a lead
7 Q. All right. So you were exceeding	7 investigator, but I trained Brian Crozier, Barry
8 expectations in -- for -- in terms of your performance	8 Reifen (phonetic), Tom Bardon, so I think -- I believe
9 rating in each of the years from 2016 through 2023, at	9 it was those three, but I -- I don't know the dates.
10 least through June 30th?	10 Q. Okay. Was it pre-COVID, post-COVID?
11 A. Yes.	11 A. Yes, pre-COVID.
12 Q. Okay. Were you a lead security	12 Q. Pre-COVID, okay.
13 investigator the entire time?	13 And post-COVID, have you trained anyone?
14 A. No, I had started -- I got promoted at a	14 A. No.
15 certain point.	15 Q. There have been new people that have been
16 Q. Do you remember when that was?	16 hired though, right?
17 A. Not offhand, I don't.	17 A. Not -- not in our -- our area, not in our
18 Q. What was the change in job duties for when	18 team.
19 you were -- well, what was your position before versus	19 Q. Not in your geographic area or upstate New
20 what was it after?	20 York?
21 A. Well, it was -- really, the job is	21 A. Right.
22 basically the same. At some point prior to getting	22 Q. There have been other investigators that
23 the lead investigator, I was assigned to be the	23 have been hired for, like, New York City, for example?
24 training officer. So I trained the new investigators,	24 A. Possibly, but I wasn't involved in that.
25 and I was assigned the duties of doing the event data	25 Q. Okay. So you've only trained people --
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1 recorders.	1 well, strike that.
2 So then they approached me about becoming a	2 You don't necessarily train, like, every
3 lead investigator since that was what the job, my	3 new field investigator, only certain people that are
4 understanding was, to do the training and do the event	4 geographically close to you?
5 data recorders, so they ended up promoting me to that.	5 A. Yeah, only the people that were in Chet
6 Q. Okay. And when did you become -- was it	6 Janek's group.
7 training officer or --	7 Q. Okay. What did the training entail?
8 A. It's just they started using me to do the	8 A. I -- they could come to my office, and we
9 training. There was no title or anything; it's just	9 would learn how to use SICM, how to conduct the
10 as we were getting new people, he used me to train	10 investigations, how to meet the -- the audit criteria,
11 them.	11 how the interviews are supposed to take place, how to
12 Q. When you say he used you to train them, do	12 do the recordings.
13 you mean Bill Newport or Chet --	13 You know, Brian Crozier was a little
14 A. Chet, Chet Janik.	14 different because he was transferring in from damage
15 Q. All right. So you would train other field	15 adjusters, so he knew the Geico stuff. I just had to
16 investigators?	16 teach him the SICM stuff and -- and the requirements
17 A. Yes, well, in our -- in our team.	17 for that. So it depended, but --
18 Q. The -- yes, I appreciate the clarification.	18 Q. Would they go out into the field with you?
19 So you would train other field	19 A. Yes.
20 investigators that worked for Chet Janik?	20 Q. All right. And when you say they would
21 A. Yes.	21 come to your office, like, would they literally come
22 Q. Okay. When did that start?	22 over to your house?
23 A. I don't know the dates. I -- I'd train the	23 A. Yep.
24 next person and the next couple -- or the next couple	24 Q. Okay. Some of these individuals, it sounds
25 of people. I don't know the dates.	25 like, like Brian, already worked for Geico, and so you

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<p style="text-align: right;">Page 162</p> <p>1 needed to teach them more about the, you know, SIU 2 tech and the investigative side; is that fair? 3 A. That's correct. 4 Q. And some people, like yourself, were maybe 5 former law enforcement who are pretty well versed in 6 investigation or investigative tactics, but not 7 necessarily on the Geico ways of doing things? 8 A. Correct. 9 Q. Right. In terms of the using systems, 10 I think you mentioned system. Were there -- oh, it's 11 SICM, excuse me, S-I-C-M for the court reporter. 12 Would there be other systems that you talked to them 13 about? 14 A. Yes. 15 Q. Which ones? 16 A. We would do TLO for background searches; 17 ISO, which is through NICB for claims searches; 18 there's a DRN, which is vehicle citing searches; teach 19 them how we do the social media searches. There's 20 Carfax to do the vehicle histories. There's different 21 things within Geico to how to do license plate 22 searches. I'm sure I'm missing some stuff, but 23 there's different systems that we -- we need to get 24 into to do certain searches. 25 Q. Okay. And generally, I guess, you would be</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Okay. And Tom Darden, I think you said? 2 A. Bardon. 3 Q. Bardon, excuse me. I can't read my own 4 handwriting. Bardon? 5 A. It's -- yeah. 6 Q. So what would you instruct them regarding 7 the entry of their time in Workday? 8 A. 7.75. I mean, that's what you put in for 9 your -- each work day. 10 Q. Did you ever instruct them that they had to 11 enter in only the time that they actually worked? 12 A. No. I mean, we put in 7.75 unless -- 13 I mean, unless you were getting paid overtime, then 14 you would put in the overtime, but -- 15 Q. Sure. Did you ever tell any of those 16 individuals that you worked additional hours but 17 didn't log it into Workday? 18 A. I never had that conversation with them. 19 Q. Okay. Did you ever explain to them, "Hey, 20 you know, the workload, sometimes you can't keep up," 21 and instruct them in any way? 22 A. I don't remember that conversation, but 23 I -- I -- if I did, I think I would have just said, 24 you know, "If there's issues, you got to go to your 25 supervisor and talk to them."</p>
<p style="text-align: right;">Page 163</p> <p>1 teaching them, like, what the expectations are, how to 2 do the job of field investigator? 3 A. Yes. 4 Q. Okay. In terms of schedule and the ability 5 to change your schedules, would you talk to them about 6 that? 7 A. I think so. I believe we talked some of 8 that, yes. 9 Q. Okay. And, I guess, would you tell them 10 that they had, you know, the ability to set their own 11 sort of schedule for any given day of what they were 12 going to do and when they would start their day? 13 A. I -- I guess I would tell them how I did 14 things. I mean, really, that's more of a supervisor's 15 telling them what they can do and can't do. I didn't 16 get into it a lot. I think it was kind of work that 17 out with the supervisor what your general schedule 18 would be or when you're making changes. 19 Q. Okay. And similarly, particularly if it's 20 not someone that came from Geico, you'd cover time 21 entry with them and how to enter their time? 22 A. Yes. 23 Q. All right. And I take it you did that 24 for -- was it Marty ^Reifen you said? 25 A. Yeah, I think that's how it was -- yes.</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Did you train them that if they needed 2 overtime, if there was a business reason for it, they 3 could request it from their supervisor? 4 A. No, because I don't think that that was 5 necessarily the deal. It depends on when they were 6 getting trained for what the rules were. 7 Q. Well, we're talking about the pre-COVID 8 time period, it sounds like? 9 A. Yeah. I mean, under Chet, I guess it's -- 10 you pretty much have to talk to Chet about it if 11 there's issues where it's going to be more time, then 12 just talk to him and work it out. I didn't want to 13 speak for him. 14 Q. Right. But you told them that if they had 15 any issue that required them to work additional hours 16 that they could make that request and discuss it with 17 their supervisor? 18 A. Yes, I -- I think I -- I think I would have 19 said something to that effect, yes. 20 Q. Okay. You didn't instruct them that they 21 could enter time into Workday -- or excuse me. Strike 22 that. 23 You didn't instruct them that they could 24 work additional hours, but they shouldn't enter it 25 into Workday?</p>

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1 A. No, I did not.	1 cases"; do you see that?
2 Q. Okay. I want to look for a moment -- I'm	2 A. Yes.
3 going to stop sharing this. I will mark -- look at	3 Q. It was your understanding that any case
4 what's going to be marked as Exhibit 3.	4 that required an examination under oath would
5 (Whereupon, Costanzo Exhibit 3 was	5 automatically be excluded from a calculation of
6 presented.)	6 average case life?
7 MR. TSONIS: I'll share my screen.	7 A. Yes.
8 BY MR. TSONIS:	8 Q. All right. And that was done because of
9 Q. Have you seen this document before,	9 the unpredictability of when or whether a policyholder
10 Mr. Costanzo?	10 would actually appear for an examination under oath?
11 A. Yes, I believe I have.	11 A. I believe so.
12 Q. What is this document?	12 Q. Okay. Now, the weight for this metric was
13 A. This is our performance appraisal forms.	13 20 percent?
14 Q. Okay. And this is the performance of --	14 A. Yes.
15 your performance guide and appraisal form for the	15 Q. Right. So -- and, again, I'm skipping
16 rating period January 1, 2017 to December 31st, 2017?	16 ahead a little bit, but there's a 40 percent weight
17 A. Yes.	17 for productivity and a 40 percent weight for quality
18 Q. Okay. And that's your name written on	18 and a 20 percent weight for average case life, right?
19 here, right?	19 A. Yes.
20 A. Yes.	20 Q. All right. So your -- you understood that
21 Q. And it shows your supervisor as Mr. Janik?	21 your performance was being weighted or assessed, you
22 A. Yes.	22 know, with those weights, that productivity was 40 out
23 Q. Now, this is the sort of 1 through 5 rating	23 of -- 40 points out of 100, let's say, right?
24 period that we were -- or rating scale, excuse me,	24 A. Yes.
25 that we talked about earlier, right?	25 Q. All right. So the average case life, to be
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1 A. Yes.	1 a 5, your average case life would have to be below a
2 Q. All right. And there's a -- under the	2 7.0, it shows?
3 fully trained associate scale sort of a 5 is someone	3 A. Yes.
4 that consistently exceeds all standards and goals?	4 Q. And 7.0 is a number of days that a case is
5 A. Yes.	5 open?
6 Q. A 4 is someone that consistently meets and	6 A. Yes.
7 often exceeds standards or goals?	7 Q. All right. And then similarly, and we
8 A. Yes.	8 don't have to go through all the ranges, but it shows
9 Q. And then a 3 is someone that consistently	9 different ranges for days for a 4, 3, 2, and a 1,
10 meets standards or goals?	10 right?
11 A. Yes.	11 A. Yes.
12 Q. All right. So if you look at the second	12 Q. And if your average case life was above 19
13 page -- and, again, this is a document that's Bates	13 days, then you would be rated a 1?
14 stamped G006638 going down to 6642, but I want to look	14 A. Yes.
15 at the second page first.	15 Q. Similarly, under Quality, right, there's
16 Now, it shows Section 1 is Goal Setting; do	16 a -- in addition to the weight, there's sort of a
17 you see this?	17 metrics here, like a 5 is above a 96.1, right?
18 A. Yes.	18 A. Yes.
19 Q. And this shows Performance Goals, and then	19 Q. So we talked earlier, there's sort of an
20 there's three different parts here that are listed; do	20 assessment of any case that is subject to an audit
21 you see that?	21 that is made, and then audit -- like a score is
22 A. Yes.	22 generate for how many of the things that you needed to
23 Q. Now, the first is Average Case Life, right?	23 do you did correctly, right?
24 A. Yes.	24 A. Yes.
25 Q. And in parentheses, it says "non EUO	25 Q. All right. So this is kind of like a --

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1 correct transcript of the remote videoconference
2 testimony so given by said witness as aforesaid.

3 I further certify that the signature to the
4 foregoing deposition was reserved by counsel for the
5 Deponent. I further certify that the taking of this
6 deposition was pursuant to Notice, and that there were
7 present via videoconference at the deposition the
8 attorneys hereinbefore mentioned.

9 I further certify that I am not counsel for nor
10 in any way related to the parties to this suit, nor am
11 I in any way interested in the outcome thereof.

12 IN TESTIMONY WHEREOF: I have hereunto set my
13 hand and affixed my seal this 14th day of January,
14 2025.

15 Andrew R. Pitts

16 ANDREW R. PITTS, CSR, RPR
17 CSR, COOK COUNTY, ILLINOIS

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